

ATTACHMENT A

Substantial Interest FOIA Request - Notification Process

1. Upon receipt of a FOIA request, the VHA program or field office component FOIA Officer, hereon referred to as VHA field FOIA Officer, must date stamp the request. If the incoming request does not meet the VA's requirements for a FOIA request, the VHA field FOIA Officer should work with the FOIA requester in an effort to assist the requester in rectifying the issue(s).
2. The VHA field FOIA Officer must enter the request in FOIAXpress within 1 business day of receipt.
3. On the same business day of receipt, the VHA field FOIA Officer must review the request and determine if the request meets the definition of a Substantial Interest FOIA Request. The definition of a Substantial Interest FOIA Request is:

Substantial Interest FOIA Request: A request for information in which there has been or is likely to generate substantial public interest. This would include but is not limited to the following types of requests - regardless of the requester: (1) those related to a threat to the public health; (2) high profile local or national incidents or situations involving VA beneficiaries, employees or officials; and (3) incidents involving an alleged breach of the public trust (ex. waste, fraud or abuse).

Examples of Substantial Interest FOIA Requests include but are not limited to:

Threat to the public's health – FOIA requests concerning Legionella/Legionnaires, Agent Orange and Burn Pits, etc.

High profile or national incidents – Delays in care, e.g., colonoscopies, purging of orders; concerns regarding equipment, e.g., serialization of reusable medical equipment, power outages affecting critical care locations; shootings at VHA location; etc.

Incidents involving an alleged breach of public trust – Large Privacy breaches; Administrative Investigative Boards concerning VHA Senior Leadership; misappropriations of VHA funds; etc.

Please note; a Substantial Interest FOIA Request does not take into consideration the FOIA category of the requester, e.g., news media, commercial, or all other. A Substantial Interest FOIA Request is based on the information/records being requested.

The definition of a Substantial Interest FOIA Request supersedes the definition of a Sensitive FOIA Request. All guidance issued by the VHA FOIA Office concerning Sensitive FOIA Requests in the November 5, 2013 memorandum,

subject: Release of FOIA Information, are hereby invalid and are no longer to be followed.

4. If the VHA field FOIA Officer determines that the request meets the definition of a Substantial Interest FOIA Request, the VHA field FOIA Officer must submit a notification email to the VHA FOIA Office via the **VHA FOIA SI Review** mail group in the Global Address Listing (GAL). The Substantial Interest FOIA Request notification email must be sent on the same business day that the request was received. There are no exceptions for a delay in submitting this notification e-mail. The Substantial Interest FOIA Request notification email must use the following format, using Arial font size 12:

To: VHA FOIA SI Review

Email Subject: **SI FOIA Notification: [insert facility name] – [insert FOIAXpress tracking number]**

Body of the email:

Attached to this email is a FOIA request received by the [insert facility name] from [insert requester's name and organization] on [insert date received]. The details pertaining to this request are outlined below:

Who: [insert name of requester]

Affiliation: [insert name of organization requester is affiliated]

What: Requesting the following:

[Transcribe exactly what the requester is seeking]

Assigned VHA FOIA Officer: [insert FOIA Officer's name]

Estimated Closure Date: [insert best estimate]

Attachment: Attach a scanned copy of the request.

5. The VHA FOIA Office will review the Substantial Interest FOIA Request notification and make a determination as to whether or not VHA Central Office senior leadership notification is required.
6. If VHA Central Office senior leadership notification **is** required, the VHA FOIA Office will instruct the VHA field FOIA Officer to submit the initial agency decision

response to the VHA FOIA Office via the **VHA FOIA SI Review** mail group in the Global Address Listing (GAL). The response email must use the following format, utilizing Arial font size 12:

To: VHA FOIA Issues

Email Subject: **SI FOIA Review: [insert facility name] – [insert FOIAXpress tracking number]**

Body of the email:

Attached to this email is a FOIA request received by the [insert facility name] from [insert requester's name and organization] on [insert date received]. The details pertaining to this request are outlined below:

Who: [insert name of requester]

Affiliation: [insert name of organization requester is affiliated]

What: Requesting the following:

[Transcribe exactly what the requester is seeking]

Assigned VHA FOIA Officer: [insert FOIA Officer's name]

Indicate Number of Processing Days Remaining or Number of Days in Backlog Status:

Attachments: Attach the following:

- a. A copy of the initial FOIA Request;
- b. The proposed Initial Agency Decision Letter;
- c. Copies of responsive records as the VHA field FOIA Officer intends to release them to the requester;
- d. Vaughan Index, if records were withheld.

No release can be made from the Agency until the VHA field FOIA Officer receives an email from the VHA FOIA Office stating that the response may be released to the requester.

At no point should the VHA field FOIA Officer contact VHA Central Office senior leadership directly.

7. If VHA Central Office senior leadership notification **is not** required, the VHA FOIA Office will instruct the VHA field FOIA Officer to release the response upon completion of the disclosure determination.
8. As with all FOIA requests, the VHA field FOIA Officer must:
 - a. Prepare and send an Acknowledgement Letter within the statutory requirement of 10 calendar days to the requester.
 - b. Assign out search request to appropriate offices within the facility or Veterans Integrated Service Network (VISN). It is the expectation that all facility or VISN staff will comply with the FOIA Officer's request for records search.
 - c. Identify search parameters (including an identification of file systems, whether the systems are electronic or paper files and the search terminology utilized in conducting the search) must be fully documented in the FOIA Officer's administrative record.
 - d. The FOIA Officer shall review responsive records and make necessary redactions in accordance with the FOIA.
 - e. Thoroughly document all withholding determinations within the administrative file.
 - f. Prepare Initial Agency Decision (IAD) document withholding determinations made.
 - g. All Substantial Interest FOIA Requests must follow the guidance outlined above.